

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	DAI NIPPON PRINTING CO., LTD	Date of Notification: Date: <u>14</u> Month: <u>6</u> Year: <u>2002</u>
Attorney:		
Application No.:	97103154.1	
Title of the Invention:	APPARATUS HAVING A REWRITABLE DISPLY PORTION	

Notification of the First Office Action

1. ☒ The applicant requested examination as to substance on Jan. 14, 1999 and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.

2. ☒ The applicant claimed priority/priorities based on the application(s):
filed in JP on Feb. 13, 1996, filed in _____ on _____,
filed in JP on Feb. 13, 1996, filed in _____ on _____,
filed in JP on Feb. 13, 1996, filed in _____ on _____,
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
☐ The application is a PCT continuation.

3. ☒ The applicant submitted amendments to the application on Mar. 22, 2002 and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law.
☐ Rule 51 of the Implementing Regulations of the Patent Law.

The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.

4. ☐ Examination as to substance was directed to the initial application documents as filed.
☒ Examination as to substance was directed to the documents as specified below:
claims _____, pages 1-17 of the description and drawings 1-12 filed on the date of filing,
claims 1-12, pages _____ of the description and drawings _____ submitted on Mar. 22, 2002,
claims _____, pages _____ of the description and drawings _____ submitted on _____,
and the abstract submitted on Feb. 13, 1997.
5. ☐ This Notification is issued without search reports.
☒ This Notification is issued with consideration of the search results.
☐ Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	JP4-71889	Date: <u>6</u> Month: <u>3</u> Year: <u>1992</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☒ On the Claims:
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
 - ☒ Claim(s) 1-12 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
 - ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
 - ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
 - ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 5 pages.
- ☐

Examination Dept. 9 Examiner: Liu Shichang Seal of the Examination Department

Text of the First Office Action

The present invention relates to an apparatus having a display portion that allows what is displayed thereon to be rewritten easily.

1. Claim 1 seeks to protect a recording medium having a display portion for displaying recorded contents. Reference 1 (JP4-71889, referred to as D1 hereinafter) is also a patent application that relates to magnetic medium information display which disclosed the following technical features (see pages 1-4 of the specification and figs. 1-4): the recording medium has a display portion (see reference number 14), the display portion can be rewritten and is formed with a display medium that can repeatedly record and erase visible information (see page 2 of the specification). The display medium of D1 is the same component as the display device of claim 1. As can be seen, D1 has disclosed all the technical features of claim 1. Therefore, claim 1 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
2. The additional technical feature of claim 2 is that "said display device changes its state between a recorded state and an erased state through action of an electric field in one direction and through action of heat in the other direction". The recording medium display portion of D1 changes the state of the display device medium between a recorded state and an erased state through heat and an electric field (see page 2 of the specification). Therefore, claim 2 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
3. As compared with the additional technical feature of claim 3, D1 also recited that the display portion can be polymer-dispersed liquid crystal film (PDLC film), the liquid crystal film changes the orientation of liquid crystal molecules dispersed in and held by high-polymer material through action of heat and an electric field (see pages 2-3 of the specification and fig. 1). Therefore, claim 3 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
4. Claim 4 seeks to protect a method of using a recording medium which is a method corresponding to the apparatus of claim 1. D1 has also disclosed this method (see pages 2-3 of the specification). Therefore, claim 4 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
5. Independent claims 5 and 6 are method claims corresponding to the apparatus of claims 2 and 3. Based on the same reasons stated above for claims 2 and 3, claims 5 and 6 are not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
6. Claim 7 seeks to protect a container for storing a recording medium, said container

having a display portion for displaying contents recorded on the recording medium. Claim 7 is corresponding to the recording medium of claim 1. D1 has disclosed the high polymer liquid crystal film and pointed out that the film can be used for disks, IC cards and CD. As can be seen, D1 has disclosed all the technical features of claim 7. Therefore, claim 7 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.

7. Dependent claims 8 and 9 are corresponding to the apparatus of claims 2 and 3. Based on the same reasons stated above for claims 2 and 3, claim 8 and 9 are not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
8. Claim 10 seeks to protect a method of using a container for storing a recording medium, which is corresponding to the container of claim 7. D1 has disclosed a recording medium display portion (see reference number 14), the display portion can be rewritten and can be repeatedly recorded and erased, an image obtained by processing an image signal recorded on said recording medium is displayed on said display portion. As can be seen, D1 has disclosed all the technical features of claim 10. Therefore, claim 10 is not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.
9. Dependent claims 11 and 12 are corresponding to claims 8 and 9. Based on the same reasons stated above for claims 8 and 9, claims 11 and 12 are not compliant with the novelty provisions of Article 22(2) of the Chinese Patent Law.

Based upon the above reasons, the application cannot be patented based on the present application documents. If the applicant makes amendments to the present application documents in view of the comments set forth in this Office Action to overcome the existing defects, the application has a prospect of being patented; otherwise, the application may be rejected. The applicant is reminded of the provisions of Article 33 of the Chinese Patent Law that amendments shall not go beyond the scope of the disclosure contained in the initial description and claims.

Articles and Rules Cited by the Examiner in this Office Action

Article 22

Any invention or utility model for which patent right may be granted must possess novelty, inventiveness and practical applicability.

Novelty means that, before the date of filing, no identical invention or utility model has been publicly disclosed in publications in the country or abroad or has been publicly used or made known to the public by any other means in the country, nor has any other person filed previously with the Patent Office an application which described the identical invention or utility model and was published after the said date of filing.

Inventiveness means that, as compared with the technology existing before the date of filing the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

Practical applicability means that the invention or utility model can be made or used and can produce effective results.

中华人民共和国国家知识产权局

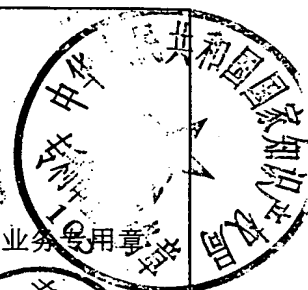
邮政编码: 100037

北京市阜成门外大街2号8层
中国国际贸易促进委员会专利商标事务所

于静



审查业务专用章



申请号	97103154.1	部门及通知书类型	9 -C	发文日期
申请人	大日本印刷株式会社			
发明名称	具有可改写的显示部分的设备			

第一次审查意见通知书

2970183

1. ☒ 依申请人提出的实审请求, 根据专利法第35条第1款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以其在:

____日本____ 专利局的申请日 1996 年 2 月 13 日为优先权日,
____日本____ 专利局的申请日 1996 年 2 月 13 日为优先权日,
____日本____ 专利局的申请日 1996 年 2 月 13 日为优先权日,
____ 专利局的申请日 ____ 年 ____ 月 ____ 日为优先权日,
____ 专利局的申请日 ____ 年 ____ 月 ____ 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。

3. ☒ 申请人于 2002 年 3 月 22 日和 ____ 年 ____ 月 ____ 日提交了修改文件。

经审查, 其中: ____ 年 ____ 月 ____ 日提交的 ____ 不能被接受;

____ 年 ____ 月 ____ 日提交的 ____ 不能被接受;

因为上述修改 ☐ 不符合专利法第33条的规定。 ☐ 不符合实施细则第51条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☐ 审查是针对原始申请文件进行的。

☒ 审查是针对下述申请文件的:

申请日提交的原始申请文件的权利要求第 ____ 项、说明书第 1-17 页、附图第 1-12 页;

2002 年 3 月 22 日提交的权利要求第 1-12 项、说明书第 ____ 页、附图第 ____ 页;

____ 年 ____ 月 ____ 日提交的权利要求第 ____ 项、说明书第 ____ 页、附图第 ____ 页;

____ 年 ____ 月 ____ 日提交的权利要求第 ____ 项、说明书第 ____ 页、附图第 ____ 页;

1997 年 2 月 13 日提交的说明书摘要, 1997 年 2 月 13 日提交的摘要附图。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收
2201, 2001.7 (注: 凡寄给审查员个人的信函不具有法律效力)

编号	文件号或名称	公开日期
1	JP4-71889	1992 年 3 月 6 日
2		年 月 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☐

☒ 关于权利要求书:

☒ 权利要求 1-12 不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☒ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的2个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 5 页。

☐

审查 九 部

审查员 9309

审查部门业务专用章

(未加盖审查业务专用章的通知书不具备法律效力)

第一次审查意见通知书正文

本发明专利申请涉及具有一个显示部分的设备，该限制部分是改写其上的现实内容很容易，经审查，具体意见如下：

1. 权利要求 1 请求保护一种带有显示部分的记录介质，对比文件 1（JP4-71889）也是一篇关于磁记录介质信息显示的专利申请，它公开了以下技术特征（见说明书第 1 至 4 页，附图 1-4）：该记录介质具有一个显示部分（见附图标记 14），该显示部分可以改写，是由可以反复写入和擦除的显示媒体形成（见说明书第 2 页），其中对比文件 1 中所说的显示媒体和权利要求 1 中所说得显示装置属于同一部件。由此可见，对比文件 1 公开了权利要求 1 的全部技术特征，权利要求 1 不具备新颖性，不符合专利法第二十二条第二款有关规定。

2. 权利要求 2 的附加技术特征为：所说显示装置沿一个方向通过电场的作用并且沿另一个方向通过热的作用在记录状态和擦除状态之间改变其状态。对比文件 1 中所说的记录介质显示部分也是通过热电场作用将所说显示装置媒体在记录状态和擦除状态之间改变（见说明书第 3 页），由此可见，权利要求 2 相对对比文件 1 不具有新颖性，不符合专利法第二十二条第二款有关规定。

3. 权利要求 3 的附加技术特征为所说得显示装置有聚合物弥散的液晶膜构成，该液晶膜通过热和电场的作用可以改变弥散在聚合物材料中并被该材料保持的液晶分子的取向。同样对比文件 1 中公开了该发明专利中所说得显示部分可以是高分子液晶膜（PDLC），该液晶膜通过热和电场的作用可以改变弥散在聚合物材料中并被该材料保持的液晶分子的取向（见说明书第 2-3 页，附图 1）。由此可见，权利要求 3 也不具有新颖性，不符合专利法第二十二条第二款的有关规定。

4. 权利要求 4 请求保护一种使用记录介质的方法，它是和权利要求 1 的装置相对应的方法，同样对比文件 1 中公开了该方法（见说明书第 2-3 页），权利要求 4 不具备新颖性，不符合专利法第二十二条第二款有关规定。

5. 从属权利要求 5-6 请求保护的方法分别是和权利要求 2-3 请求保护的设备相对应的方法。理由通权利要求 2 和 3，权利要求 5 和 6 也不具有新颖性，不符合专利法第二十二条第二款的有关规定。

6. 权利要求 7 请求保护一种存放记录介质的容器，所说的容器具有显示记录在记录介质上的内容的一个显示部分，它是和权利要求 1 的记录介质相对应的一种记录介质存放容器，对比文件 1 中已经公开了该高分子液晶膜，并且指出该液晶膜可用于磁盘、IC 卡、光盘等物体，由此可见，对比文件 1 公开了权利要求 7 的全部技术特征，权利要求 7 不具备新颖性，不符合专利法第二十二条第二款的有关规定。

7. 从属权利要求 8 和 9 的请求保护的记录介质存放容器是和权利要求 2 和 3 的记录介质相对应的，同样，该权利要求不具有新颖性，理由同权利要求 2 和 3，所以，权利要求 8 和 9 不符合专利法第二十二条第二款的有关规定。

8. 权利要求 10 请求保护一种使用存放记录介质的容器的方法，它是和权利要求 7 的存放容器相对应的方法，对比文件 1 中公开了一种记录介质显示部分（见附图标记 14），显示部分可改写，可以反复记录和擦除，通过处理记录在所显示部分上的图像信号获得图像，同样在对比文件中指出了该高分子液晶膜可用于盘盒、光盘，IC 卡等物体，由此可见，对比文件 1 公开了权利要求 10 的全部技术特征，权利要求 10 不具备创造性，不符合专利法第二十二条第二款有关规定。

9. 权利要求 11 和 12 的附加技术特征分别和权利要求 8 和 9 的附加技术特征相同，当其引用的权利要求不具备新颖性时，权利要求 11 和 12 不具备创造性，理由同权利要求 8 和 9，权利要求 11 和 12 不符合专利法第二十二条第二款的有关规定。

基于上述理由，该专利申请的独立权利要求及其从属权利要求都不具备创造性，且说明书中没有记载任何可以授权的实质性内容，申请人如果不能在本通知书指定的期限内做出答复，该申请将以上述理由被驳回。